

HOUSE No. 3459

The Commonwealth of Massachusetts

PRESENTED BY:

David P. Linsky

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to a special commission to study condominium law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
David P. Linsky	5th Middlesex
Karyn E. Polito	11th Worcester
Louis L. Kafka	8th Norfolk
Matthew C. Patrick	3rd Barnstable
John W. Scibak	2nd Hampshire
Frank I. Smizik	15th Norfolk
Bruce E. Tarr	First Essex and Middlesex
Mark V. Falzone	9th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO A SPECIAL COMMISSION TO STUDY CONDOMINIUM LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There shall be a special commission established to study condominium law, relative to: owner's rights, association and management responsibilities to owners, independent audits of accounts held for improvements, upgrades, and maintenance, oversight authority for the development of regulations by an appropriate state office or agency, and any other matters relevant to this subject. This special sub-committee shall meet and may hold hearings and invite testimony from experts and the public to help generate a report to the House and Senate no later than January 1, 2011 which shall proffer recommendations to establish future condominium regulations and statute. The committee shall consist of seven members, two each appointed by the Speaker of the House and the Senate President and three appointed by the Governor, one of whom shall be the Chair, and must include at least the following individuals:

1. An attorney (1) who specializes in condominium law and whose client base is comprised mostly (over 51%) of condo unit owners, unit owner groups or aggrieved unit owners and whose client base is not comprised mostly of Property Management companies and/or condo Boards of Trustees.
2. An individual condo unit owners who are not members of their Board of Trustees
3. A Certified Property Manager who possess either the PCAM, CMCA and/or the AMS designation. (Legislators or legislative aides) who can review with the committee laws that were successfully passed in other states to determine if we can utilize similar statutes.

Areas that shall be explored by the committee and for which subsequent recommendations should be developed include (but are not limited to):

- a. Board of Trustee meetings, including the procedures and elections thereto;
- b. Annual Meetings
- c. Unit Owner's rights and enforcement
- d. Association and management responsibilities to owners
- e. Independent audits of accounts held for improvements, upgrades, and maintenance
- f. Distribution of information, documents and meeting minutes by the Management company or Board members, to unit owners
- g. How condo fees are determined and are increased

- 29 h. Oversight authority for the development of regulations by an appropriate state office or
- 30 agency
- 31 i. Formal process to mediate/resolve Unit Owner and Board disputes
- 32 j. Rules and Regulations
- 33 k. Fees, fines and assessments
- 34 l. Any other matters relevant to this subject